UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/699,036	10/27/2000	Charles P. Bobbitt	5053-30801	6768

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Eric B Meyertons
Conley Rose & Tayon P C
P O Box 398
Austin, TX 78767-0398

EXAMINER
COLBERT, ELLA

ART UNIT	PAPER NUMBER
3696	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
Office Action Summary	09/699,036	BOBBITT ET AL.
	Examiner	Art Unit	
	Ella Colbert	3696	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>09 May 2008</u>.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>See Continuation Sheet</u> is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) <u>1-7,9-11,13-19,21-30,32-34,36-42,44-57,59-61,63-69,71-73 and 147-152</u> is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All b)☐ Some * c)☐ None of:
      1. ☐ Certified copies of the priority documents have been received.
      2. ☐ Certified copies of the priority documents have been received in Application No. _____.
      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>06/06/08</u>.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____ .

Continuation of Disposition of Claims: Claims pending in the application are 1-7,9-11,13-19,21-30,32-34,36-42,44-57,59-61,63-69,71-73 and 147-152.

DETAILED ACTION

1.   Claims 1-7, 9-11, 13-19, 21-30, 32-34, 36-42, 44-57, 59-61, 63-69, 71-73, and

147-152 are pending. No claims have been amended in this communication filed 5/9/08

entered as Response After Non-Final Action and Request for Extension of Time.

2.   The IDS filed 06/06/08 has been entered and considered.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-7, 9-11, 13-19, 21-30, 32-34, 36-42, 44-57, 59-61, 63-69, 71-73, and

147-152 are rejected under 35 U.S.C. 103(a) as being unpatentable over (US

5,386,571) Kurz in view of (US 2003/0014421) Jung.

As per claims 1, 24, and 51, Kurz teaches, a method, a system, and a carrier

medium comprising program instructions for: displaying at least two processing

relationship object representations on a display screen in data communication with a

Financial Service Organization (FSO) computer system comprising a database;

Creating a model of an FSO comprising a plurality of processing relationship software

objects, wherein creating the model of the FSO comprises: selecting at least two

processing relationship object representations from the displayed processing

relationship object representations; preparing a processing relationship definition for at

least two of the selected processing relationship object representations, wherein

preparing the processing relationship includes: creating a highest level processing

relationship object in a processing structure, wherein the highest level processing

relationship object represents an FSO; creating a highest level processing relationship

object in a processing relationship structure, wherein the highest level processing

relationship object represents an FSO; creating a plurality of lower level processing

objects in the processing relationship structure, wherein the plurality of lower level

processing relationship objects in the processing relationship structure are descendents

of the highest level processing relationship object, wherein one or more of the lower

level processing relationship objects represents a bank branch office, a regional bank, a

credit card issuer, or an acquirer; processing at least one of the plurality of lower level

processing relationship objects; processing the relationship definitions and storing each

processing relationship definition in the database (col. 6, lines 13-64 and col. 11, lines

9-20 and fig. 2C- shows a financial service organization involving sales where each of

the boxes is an object, each line between the boxes is a relationship with the dotted

lines representing different levels. The other types of entities (relationship objects)

besides the business unit (business relationship objects) are optionally recited and thus

carry no patentable weight. Kurz did not expressly disclose a FSO. Jung in fig.'s 34A

and 34B shows relationship objects in a hierarchy in a business relationship (FSO).

Claim 24, Kurz discloses, a computer program (col. 4, lines 36-58); a computer

system (col. 2, lines 55-61); the computer program is executable on the computer

system (col. 2, lines 41-61 and col. 4, lines 36-58).

This independent claim is rejected for the similar rationale as given above for claim 1.

Claim 51, Kurz discloses, displaying at least two processing relationship object representations on a display screen in data communication with a Financial Service Organization (FSO) computer system comprising a database (col. 10, lines 30-46 and col. 11, lines 10-20); selecting at least two processing relationship object representations from the displayed processing relationship object representations (col. 8, lines 4-26 –display).

This independent claim is rejected for the similar rationale as given above for claims 1 and 24.

As per claims 2, 25, and 52, Kurz discloses, wherein each processing relationship definition stored in the database is configured for use in preparing a processing relationship value from an FSO transaction-related data in the FSO computer system (col. 8, line 4-col. 9, line 2 and fig. 5-shows a value for each block and relationship). As per claims 3, 26, and 53, Kurz discloses, wherein the processing relationship value is configured for use in identifying an FSO business entity as an owner of the FSO transaction-related data (col. 7, line 53-col. 8, line 3).

As per claims 4, 27, 54, 147, and 150, Kurz discloses, wherein the processing relationship value is configured for use in identifying an FSO business entity as an owner of the FSO transaction-related data, wherein the FSO business entity is a bank branch office or a regional bank or a credit card line or an issuer or an acquirer. In Fig.

4E of Kurz shows a business entity as a company and a business unit (see col. 7, line 53-col. 8, line 27).

As per claims 5, 28, 55, and 149, Kurz discloses, wherein the selecting one or more processing relationship object representations is performed by a user of the FSO computer system (col. 5, line 65-col. 6, line 25-suggests that a user had to perform the selection of the relationship objects). This reads on claim limitation 5.

As per claims 6, 29, and 56, Kurz discloses, wherein the selecting one or more processing relationship object representations is programmable or executable by an expert system (col. 4, lines 36-58).

As per claims 7, 30, and 57, Kurz discloses, wherein the storing the processing relationship definition in the database comprises transferring the processing relationship definition to a report record definition stored in the database (col. 10, lines 30-46 and col. 11, lines 9-20).

As per claims 9, 32, 59, and 152, Kurz discloses, wherein the processing relationship structure is expanded by inserting one or more processing relationship objects as descendants of the highest level processing relationship object (col. 5, lines20-68 and fig. 2C- shows where one or more relationship objects are descendents of the highest level processing relationship object can be inserted).

As per claims 10, 33, and 60, Kurz discloses, wherein the processing relationship structure is edited by inserting or deleting one or more processing relationship objects, wherein each of the one or more processing relationship objects are descendents of the

highest level processing relationship object (Fig's 1, 2A-2C and 3A and 3B –shows

updating which is considered a form of editing- adding, deleting, and changing).

As per claims 11, 34, 61, 148, 151, Kurz discloses, wherein the displaying one or

more processing relationship object representations on a display screen comprises

displaying values associated with a sequence number and a level number (Fig. 5 –

shows displayed values in a sequence number for the lower level processing objects

and the name identifies a level number in the processing relationship structure).

As per claims 13, 36, and 63, Kurz discloses, wherein the displaying one or more

processing relationship object representations on a display screen comprises displaying

values associated with an object name, an object description and an object number for

a displayed processing relationship object (col. 5, line 36-col. 6, line 25).

As per claims 14, 37, and 64, Kurz discloses, wherein the object name identities a

unique name assigned to an object (col. 5, lines 36-68).

As per claims 15, 28, and 65, Kurz discloses, wherein the database is relational or

object oriented (col. 4, lines 36-39–object oriented database and col. 11, lines 9-11-

relational database).

As per claims 16, 39, and 66, Kurz did not expressly disclose, wherein the selecting

a first processing relationship object representation from one or more processing

relationship object representations comprises positioning a cursor of an user input

device above the first processing relationship object representation and clicking a button

of the user input device. However, Kurz does disclose a computer system and

displaying. It would have been obvious to one having ordinary skill in the art at the time

the invention was made to modify in Kurz because such a modification would allow Kurz

to diplay a representation of the business model on the display screen and the system

which may also include one or more user input devices such as a keyboard for entering

data or commands and one or more cursor control devices such as a mouse for using a

cursor to modify a business model viewed on a display screen.

As per claims 17, 40, and 67, Kurz discloses, wherein the preparing a processing

relationship definition comprises creating or editing an object associated with each of

the selected processing relationship object representation (col. 1, line 44-col. 2, line 26).

As per claims 18, 41, and 68, Kurz discloses, wherein the creating the object

comprises identifying one or more values and one or more properties (col. 2, lines 25-

61).

As per claims19, 42, and 69, Kurz discloses, wherein the preparing a processing

relationship definition comprises identifying one or more properties of an object

associated with each of the selected processing relationship object representation (col.

5, line 36-col. 6, line 25).

As per claims 21, 44, and 71, Kurz failed to disclose, wherein the processing

relationship object representations comprises an icon displayed on the display screen of

the FSO computer system. It would have been obvious to one having ordinary skill in

the art at the time the invention was made to modify Kurz in view of his teachings of a

display and mouse input device because such a modification would allow Kurz to have

a document presented to an employee of the FSO or to a customer graphical objects

such as icons.

As per claims 22, 45, and 72, Kurz discloses, wherein a user of the FSO computer system executes a processing relationship configuration program to prepare the processing relationship definition (col. 4, lines 36-58).

As per claims 23, 46, and 73, Kurz discloses, wherein the user of FSO computer system executes a processing relationship configuration program to reconfigure and store in the database the processing relationship definition in response to changing business conditions (col. 6, lines 25-64).

As per claim 47, Kurz discloses, wherein the computer system comprises a display device coupled to the computer system to display data (col. 2, lines 56-61 and col. 3, lines 1-16).

As per claim 48, Kurz discloses, The system of claim 47, wherein the display device is a display screen (col. 3, lines 1-9).

As per claim 49, Kurz discloses, wherein the computer system comprises a user input device coupled to the computer system to enter data (col. 3, lines 1-9).

As per claim 50, Kurz discloses, wherein the user input device is a mouse or a keyboard (col. 3, lines 1-9).

Response to Arguments

Applicants' arguments filed 6/06/08 have been fully considered but they are not persuasive.

Issue no. 1: Applicants' argue: Jung alone or in combination with Kurz, does not appear to teach or suggest creating a highest level processing relationship object or processing structure, the highest level object representing a Financial Service

Organization (FSO), or creating a plurality of lower level processing relationship objects in the processing relation ship structure are descendents of the highest level processing relationship object, wherein one or more of the lower level processing objects represents a bank branch office, a regional bank, a credit card issuer, or an acquirer and based on the Examiner's statement "The other types of entities besides the business unit are optionally recited and thus carry no patentable weight", Applicants' believe that the Examiner is basing the rejection of claims 1, 24, and 51 on the language of Applicants' claims before Applicants' amendment of March 26, 2007 have been considered but are not persuasive. Response: The Examiner has attempted to point out above what the Examiner meant by "entities" and "business unit" in a brief amendment. Kurz is interpreted as essentially disclosing all of the elements claimed in claims 1, 24, and 51 except a Financial Service Organization (FSO).

Jung discloses a Financial Service Organization (FSO). Fig's 34A and 34B-shows relationship objects in a hierarchy in a business relationship (FSO). The types of entities (e.g., a branch bank, a regional bank, a credit card issuer, or an acquirer) are optionally recited and thus carry no patentable weight because they are non-functional descriptive material.

A finding that the prior art included each element claimed, although not necessarily in a single prior art reference, with only the difference between the claimed invention and the prior art being the lack of actual combination of elements in a single prior art reference.

It can be seen that each element claimed is taught in either Kurz or Jung.

A finding that one of ordinary skill in the art could have combined the elements as claimed by known methods and that in combination, each element merely would have performed the same function as it did separately.

A Financial Service Organization (FSO) taught by Jung does not change nor effect the normal functions of a hierarchical relationship of the objects and processing the objects as taught by Kurz. The Financial Organization (FSO) being created in a hierarchy with relationships would be performed the same way even with the addition of a branch bank office, a regional bank, a credit card issuer, or an acquirer.

Furthermore, "a branch bank office, a regional bank, a credit card issuer, or an acquirer are non-functional descriptive material and it would have been obvious to deploy in Kurz.

The type of information is given very little patentable weight because it is considered "non functional descriptive material that cannot render nonobvious an invention that would have otherwise been obvious". *In re Ngai*, 367 F.3d 1336, 1339, 70 USPQ 2d, 1862, 1864 (Fed. Cir. 2004). *In re Gulak*, 703 F.2d 1381, 1385, 217 USPQ401, 404 (Fed. Cir. 1983) (when descriptive material is not functionally related to the substrate, the descriptive material will not distinguish the invention from the prior art in terms of patentability). Statements of intended use do not serve to distinguish structure over the prior art. See *In re Pearson*, 494 F.2d 1399, 1403, 181 USPQ 641, 644 (CCPA 1974); *In re Yanush*, 4778 F.2d 958, 959, 152 USPQ 235, 238 (CCPA 1967).

Since the functionalities of the elements in Kurz and Jung do not interfere with each other the results of the combination would be predictable.

Issue no. 2: Applicants' argue: Claims 147 and 150 include different features than claim 4. For example, claim 147 recites: "Wherein the plurality of lower level processing relationship objects comprises a credit card issuer object representing a credit card issuer and an acquirer object has one or more descendent processing relationship objects" and claim 150 recites: "Wherein at least one of the one or more descendent processing relationship objects represents a bank branch" and neither Kurz nor the other cited art appears to teach or suggest these features in combination with the other features of the claims has been considered but is not persuasive. Response: Like the response in Issue no. 1 argument, "a credit card issuer", an acquirer, and a bank branch" are considered non-functional descriptive material. See the response above to Issue no. 1.

Issue no. 3: Applicants' argue: Claim 11 recites: "Wherein the displaying one or more processing relationship object representations on a display screen comprises displaying values associated with a sequence number for at least one of the plurality of lower level processing relationship objects and a level number for the at least one lower level processing relationship object, wherein the level number identifies a level in the processing relationship structure" and the cited art does not appear to teach of suggest this feature in combination with the other features of claim 11 and Kurz does not teach or suggest these limitations has been considered but is not persuasive. Response: It is interpreted that Kurz discloses : "Wherein the displaying one or more processing

relationship object representations on a display screen comprises displaying values associated with a sequence number for at least one of the plurality of lower level processing relationship objects and a level number for the at least one lower level processing relationship object, wherein the level number identifies a level in the processing relationship structure" in Fig. 5-shows displayed values in a sequence number for the lower level processing objects and the name identifies a level number in the processing relationship structure.

The following are examples of language that may raise a question as to the limiting effect of the language in a claim:

(a) statements of intended use or field of use,

(B) "adapted to" or "adapted for" clauses,

(C) "wherein" clauses,

(D) "whereby" clauses.

This list of examples is not intended to be exhaustive. See MPEP 2106 II C.

Issue no. 4: Applicants' argue: Applicant notes that claim 151 includes different features than claim 11. For example, claim 151 recites "Wherein displaying the at least two processing relationship object representations comprises displaying a row for each of at least two processing relationships objects, wherein each of the rows comprises an object identifier and a level number, wherein the descendents of each object appear directly below that object" and neither Kurz nor the other cited art appears to teach or suggest these features in combination with the other features of the claim has been considered but is not persuasive.

Response: It is interpreted that Kurz discloses "Wherein displaying the at least two

processing relationship object representations comprises displaying a row for each of at

least two processing relationships objects, wherein each of the rows comprises an

object identifier and a level number, wherein the descendents of each object appear

directly below that object" in Fig. 5 –shows displayed values in a sequence number for

the lower level processing objects and the name identifies a level number in the

processing relationship structure.

The following are examples of language that may raise a question as to the

limiting effect of the language in a claim:

(a) statements of intended use or field of use,

(B) "adapted to" or "adapted for" clauses,

(C) "wherein" clauses,

(D) "whereby" clauses.

This list of examples is not intended to be exhaustive. See MPEP 2106 II C.

The type of information displayed is given very little patentable weight because it

is considered "non functional descriptive material that cannot render nonobvious an

invention that would have otherwise been obvious". *In re Ngai*, 367 F.3d 1336, 1339,

70 USPQ 2d, 1862, 1864 (Fed. Cir. 2004). *In re Gulak*, 703 F.2d 1381, 1385, 217

USPQ401, 404 (Fed. Cir. 1983) (when descriptive material is not functionally related to

the substrate, the descriptive material will not distinguish the invention from the prior art

in terms of patentability). Statements of intended use do not serve to distinguish

structure over the prior art. See *In re Pearson*, 494 F.2d 1399, 1403, 181 USPQ 641,

644 (CCPA 1974); *In re Yanush*, 4778 F.2d 958, 959, 152 USPQ 235, 238 (CCPA

1967).

Issue no. 5: Applicants' argue: Claim 149 recites: wherein at least one of the

one or more descendent processing relationship objects represents a credit card issuer

or an acquirer" and the cited art does not appear to teach or suggest this feature in

combination with the other features of claim 149. Applicants' submit the portions of

Kurz cited by the Examiner do not appear to teach or suggest one or more descendent

processing relationship objects representing a credit card or an acquirer in combination

with the other features of claim 149 has been considered but is not persuasive.

Response: Like the response in Issue no. 1 argument, "a credit card " and "an acquirer"

is considered non-functional descriptive material. See the response above to Issue no.

1.

MPEP 2106.01 recites "Descriptive material can be characterized as either

"functional descriptive material" or "nonfunctional descriptive material." "Functional

descriptive material" consists of data structures and computer programs which impart

functionality when employed as a computer component. (The definition of "data

structure" is "a physical or logical relationship among data elements, designed to

support specific data manipulation functions." The New IEEE Standard Dictionary of

Electrical and Electronics Terms 308 (5th ed. 1993).) "Nonfunctional descriptive

material" includes but is not limited to music, literary works, and a compilation or mere

arrangement of data.

"A claimed invention is unpatentable if the differences between it and the prior art

are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art." 35 U.S.C 103(a)

(2000); *KSR Int'l v. Teleflex Inc.*, 127 S. Ct. 1727, 1734, 82 USPQ2d 1285, 1391 (2007).

"The combination of familiar elements according to known methods is likely to be

obvious when it does no more than yield predictable results." Id. 127 S. Ct. at 1739, 82

USPQ2d at 1395.

Resort can be had to case law regarding the rational supporting the motivation

for combining references as follows: "We have noted that evidence of a suggestion,

teaching, or motivation to combine references may flow from the prior art references

themselves, the knowledge of one of ordinary skill in the art, or, in some cases, from the

nature of the problem to be solved". *In re Dembiczak*, 50 USPQ2d 1614.

Also see, *In re Nilssen* (CAFC) 7 USPQ2d 1500 (7/13/1988). "Nilssen urges this

court to establish a "reality-based" definition whereby, in effect, references may not be

combined to formulate obviousness rejections absent an express suggestion in one

prior art reference to look to another specific reference. We reject that recommendation

as contrary to our precedent which holds that for the purpose of combining references,

those references need not explicitly suggest combining teachings, much less specific

references." See, e.g., *In re Sernaker*, 702 F.2d 989, 995, 217 USPQ 1, 6 (Fed. Cir.

1983); *In re McLaughlin*, 443 F.2d 1392, 1395, 170 USPQ 209, 212 (CCPA 1971).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Inquiries

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Ella Colbert whose telephone number is 571-272-6741.

The examiner can normally be reached on Monday, Tuesday, and Thursday, 5:30AM-

3:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Dixon Thomas can be reached on 571-272-6803. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ella Colbert/
Primary Examiner, Art Unit 3696

August 11, 2008

Application Number	Application/Control No.	Applicant(s)/Patent under Reexamination
	09/699,036	BOBBITT ET AL.
	Examiner	**Art Unit**
	Ella Colbert	3696